

R.D. #1 Mar. 1925

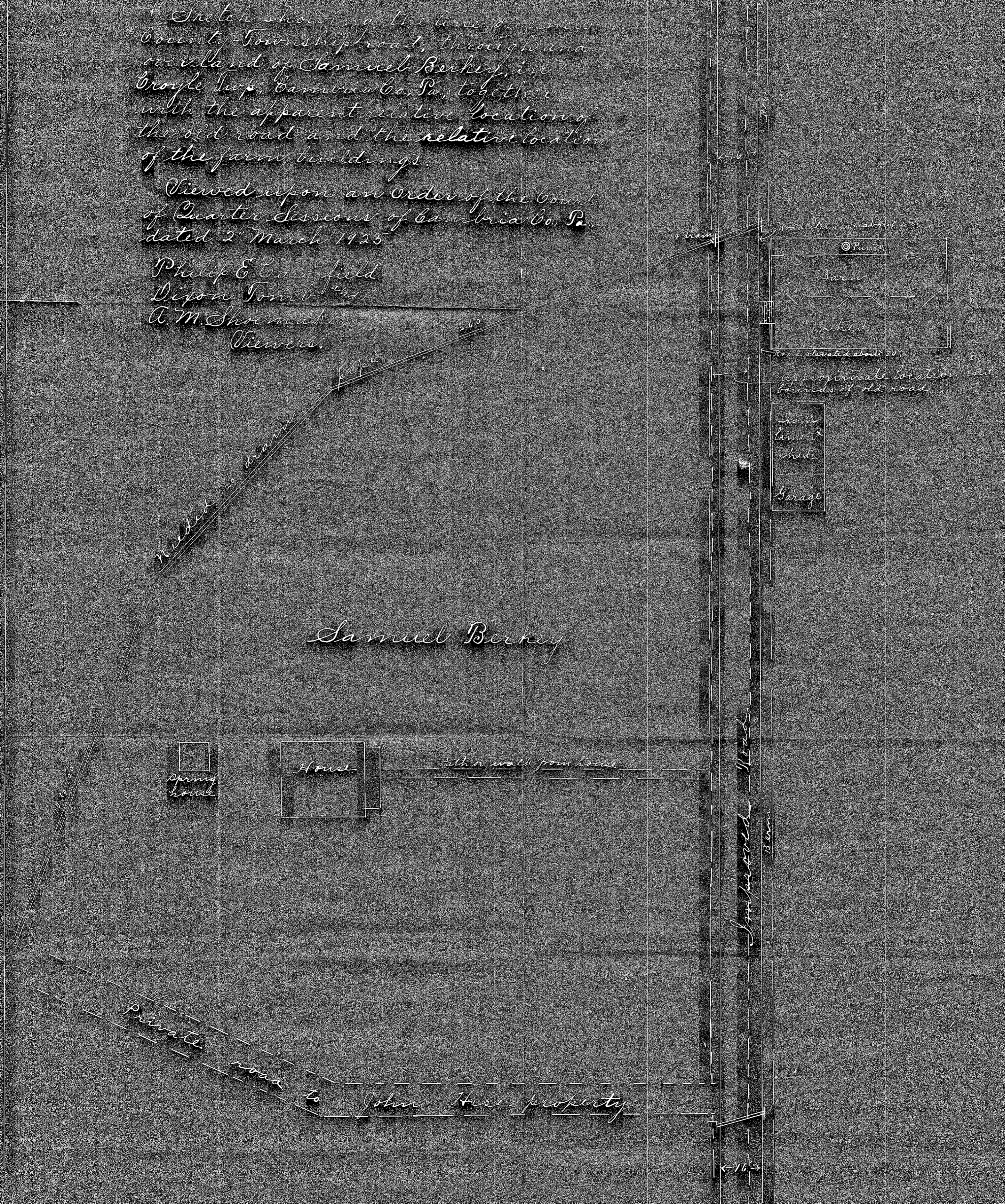
Not Microfilmed



Sketch showing the line of a new
 County-Township road, through and
 over land of Samuel Berkey, i.e.
 Croyle Trp. Cambria Co., Pa., together
 with the apparent relative location of
 the old road and the relative location
 of the farm buildings.

Viewed upon an Order of the Court
 of Quarter Sessions of Cambria Co., Pa.,
 dated 2nd March 1925

Philip E. Canfield
 Dixon Tomlinson
 A. M. Shreiner
 Viewers.



In re Petition for the Appointment of Viewers to Assess damages occasioned by the Changing and Improvement of the Township-County Road in Croyle Township, Cambria County, Penna. as affecting the property of Samuel Berkey.

In the Court of Quarter Sessions of Cambria County, Penna

No. Sessions 1925.

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

The petition of Samuel Berkey of Croyle Township, Cambria County, Pennsylvania, respectfully represents:-

First. That he is the owner of two certain pieces or parcels of ground situate in Croyle Township, Cambria County, Pennsylvania, bounded and described as follows:-

BEGINNING at a post, Township road thence by said road South Fourteen (14°) degrees West Ninety-three and six tenths (93.6) perches to corner of land of Susan Dimond; thence by said land West Twenty-five (25) perches to a post; thence by line of W. F. Hice North Fourteen (14°) degrees East Ninety-three and six tenths (93.6) perches to a post; thence by land of Peter McClarren East Twenty-five (25) perches to a post and the place of beginning. Containing Fourteen (14) Acres and One Hundred Fifty (150) perches.

ALSO All the second piece adjoining the first beginning at a post on the Township road thence by said road South Fourteen (14°) degrees West One Hundred (100) perches to post; thence by line of Wendle Myers Estate Ninety-nine (99) perches to a Beech; thence North Twenty-nine (29) perches to a post; thence by land of John Smay North Thirty-four (34) degrees West Eighty-three (83) perches to a post corner of Peter McClarren; thence West Twenty-eight (28) perches to place of beginning. Containing Forty (40) Acres and Thirty-four (34) perches, more or less.

Second: That the Supervisors of the Township of Croyle, County of Cambria and State aforesaid, a quasi-municipality, in constructing a Township-County public highway beginning at Lamb's Bridge to a point beyond the premises of your petitioner entered upon and appropriated for the public use a part of said property of the petitioner viz: A certain piece or parcel of said land following more or less the course of the unimproved public road; and that in thus laying out, opening, widening and changing of location, your petitioner has sustained great injury and damage among other things as follows:-

(a). That said road appropriates a large part of said land.

(b). That the said road renders the rest of said land less valuable.

(c). That a portion of said land is rendered, by reason of said road, less accessible.

(d). That the changing from the former public highway to the present location greatly damages your petitioner's said land.

(e). That in various other ways the said land is rendered less valuable by reason of the changing of location, laying out, opening and widening and in otherwise changing and constructing said road.

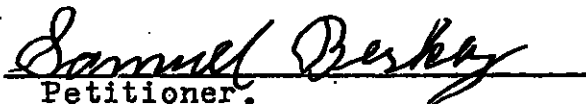
Third: That the supervisors of the Township of Croyle, a quasi municipal corporation, agreed to pay all damages occasioned to all property owners by reason of the laying out, of said road.

Fourth: That the said road was constructed during the year 1924 and is now about completed.

Fifth; That the Supervisors of the Township of Croyle, a quasi municipality, and your petitioner are unable to agree upon the amount of damages sustained by reason of construction of said road. That no viewers ever passed upon the question of damages done your petitioner in the construction of said highway.

Your petitioner therefore, prays the Court to appoint three Viewers to view and assess the damages occasioned him by reason of the laying out and construction of a highway over the land above described.

And he will ever pray,


Petitioner.

STATE OF PENNSYLVANIA,)
(SS
COUNTY OF CAMBRIA)

Personally appeared before me, a Notary Public in and for said County and State, SAMUEL HERKEY, the within named petitioner, who being duly sworn according to law deposes and says that the statements set forth in the within petition are true and correct.

Samuel Herkey

Sworn and subscribed to before me this 31st. day of January A. D. 1925.

Rose Schultz
Notary Public.

My com. expires Jan. 19th. 1929.

MY COMMISSION EXPIRES
OF NEXT SESSION OF SENATE

D E C R E E

And now the 2nd day of ^{March} ~~February~~ A. D. 1925, the within petition having been read and considered P. Peter Campbell, D. J. or T. or and Wm. Shrembeck are appointed Viewers for the purpose within set forth; returnable the second day of March A. D. 1925.

By the Court
E

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNA.
No. 1 *March* Sessions 1925

In re Petition for the
Appointment of Viewers to
Assess damages occasioned by
the Changing and Improvement
of the Township-County road
in Croyle Township, Cambria
County, Penna. as affecting
the property of Samuel Berkey.

PETITION FOR VIEWERS.

Filed 2 March 1925
11:30 am

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNETOWN, PENNA.
SWANK BLDG.

In the Court of Quarter Sessions of Cambria County, Pennsylvania,
No. 1 March Sessions, 1925.

To the Honorable, the Judges of said Court:-

In the matter of the Report of Viewers appointed by your honorable Court to view and determine the damages, if any, sustained by Samuel Berkey by reason of the change of the alteration of the line and grade of the township road through and over his premises, in Croyle Township, said county and state.

We, the undersigned Viewers appointed by your Honorable Court as aforesaid, respectfully represent:-

That after due and legal notice having been given and served according to law we did view said premises, hear and consider the testimony offered, ~~and~~ exhibit our schedule and made report of our proceedings and therein stated; as appeared to us from the Acts of Assembly; that the damages awarded to said Samuel Berkey should be paid by the County of Cambria, and filed our report June 1st, 1925.

However, whereas we have since ascertained that prior to the change and alteration of the line and grade of the road above referred to the then Supervisors of said Township of Croyle had entered into an agreement with the Commissioners of the County of Cambria; a copy of which agreement is on file in the Controller's office; ~~wherein~~ wherein it was agreed that said township of Croyle would be responsible for any such damages as might arise by reason of the change and construction of said road and as the Supervisors of said Township of Croyle did appear at the view of said premises and at the time and place where the testimony in the matter was heard, together with their attorney and at no time and in no manner intimated that they were not responsible for the damages sustained by said Samuel Berkey, if any, and endeavored to show by testimony that said Berkey had not sustained damages.

Therefore we pray your honorable Court that the report of viewers filed 1 June 1925, as aforesaid, may be referred back to said viewers that they may correct their report so that it may read that the damages sustained by said Samuel Berkey shall be paid by the Township of Croyle; instead of by the County of Cam-

bria, as set forth in the original report, above referred to.

And they will ever pray &c.

Philip E. Canfield
Dixon Tomb
A. M. Shoemaker

Viewers.

Now, June, 17th 1925, the within petition having been read and considered and it appearing therefrom that ~~xxx~~ in justice to the parties concerned that said report should be altered so as to read that the damages found to have been sustained by said Samuel Berkey should be paid by the Township of Croyle, and accordingly said report is hereby referred back to said viewers for the purpose of the correction in accord with their petition.

B. H. Crand
E

No. 1 Mar. Sess. 1925

In re Petition of
Samuel Berkey
for appointment
of Viewers to assess
damages, in Croyle
Twp., Cambria Co., Pa.

Petition of Viewers
to have report re-
ferred back for
correction.

Filed 17 June 1925
3:30 P. M.

ALFRED M. SHOEMAKER
ATTORNEY-AT-LAW
EBENSBURG, PA.

In re: Petition for appointment of viewers to assess damages occasioned by the change and improvement of the Township--County road in Croyle Township as affecting the property of Samuel Berkey.

In the Court of Quarter Sessions of Cambria County No. 1, March Sessions, 1925.

AND NOW, to-wit June 30th., 1925, the Township of Croyle, Cambria County, hereby appeals from the award of viewers in the above stated matter to the Court of Common Pleas of Cambria County for trial by jury according to the course of the Common Law.

Stephen O'Keefe
John F. Hill
Chas. B. Plummer
Supervisors of Croyle Township,
Cambria County, Pennsylvania.

CAMBRIA COUNTY, SS.

Charles Plummer, being duly sworn according to law, deposes and says that the above appeal is not taken for the purpose of delay; that he believes that injustice has been done by the award of the viewers in the above stated case.

Sworn and subscribed
this 13 day of
June, 1925.

Charles Plummer

Frank C. Cobb
Clerk

No 1. March Session 1925

In re Petition

Appellate

JUNE 1925
FILED
COURT AND REGISTERED

IN THE MATTER OF THE APPEAL IN THE ABOVE STATED CASE.

REPORT OF DEEDS: THAT HE BELIEVES THAT INJUSTICE HAS BEEN DONE

DEPOSED AND SAYS THAT THE ABOVE DEED IS NOT TAKEN FOR THE

CHARLES FINNEY, BEING QUIN ESSEX ACCORDING TO LAW

CIVIL COUNTY, MO.

CIVIL COUNTY, MISSOURI
REGISTERED IN CIVIL COUNTY

1925

COMING FOR THE COURT OF THE COMMON

APPEAL REFERRED TO THE COURT OF CIVIL COUNTY

SEMPRIA COUNTY, MISSOURI FROM THE MATTER OF APPEAL IN THE

THE 20th JUNE 1925 THE TOWNSHIP OF CROYLE

Filed July 1925
Frank C. Cook
Clerk

1925

100 N. 3rd Street

St. Louis, Mo.

OF THE COUNTY OF CIVIL
REGISTERED IN CIVIL COUNTY
REGISTERED IN CIVIL COUNTY
REGISTERED IN CIVIL COUNTY

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of
Cambria County, Pennsylvania.

We, the undersigned members of the Board of Viewers of Cambria county, appointed by your honorable Court to view and ascertain the damages, if any, sustained by Samuel Berkey, of Croyle Township, Cambria county, Pa., by reason of the construction and changing of the line and grade of a County-Township road through and over his premises in said township, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County, the Supervisors of the Township of Croyle and the owner of the premises, and to the general public by printed hand bills posted in conspicuous places along said road at and near the premises to be viewed:

We met upon the premises, in accord with the notices given, and having carefully viewed the same to ascertain as nearly as possible in just what manner and to what extent said Samuel Berkey had been injured or benefitted by reason of the change and construction of said new road and then adjourned to take testimony in Johnstown, at a time and place, of which all parties interested had due notice, appeared with their attorneys and witnesses and were heard. At a time subsequent and after having served ten days written notice on the parties interested we met again and exhibited a schedule of our finding relative to the matter of our enquiry.

In the course of our view and hearing we found that a new and improved road had been constructed through and over the premises of the petitioner on a slightly different alignment than the formally used portion of the township road, which together with the portion allowed for the berm on either side occupies more ground than the old road.

That the shifting of the center line of the new road, just opposite the barn of the petitioner, some three feet closer to his barn together with raising or elevating said new road at the same place from three to four feet, very much inconveniences your petitioner

and makes ingress and egress to and from his barn with horses and cattle, difficult and dangerous.

That the Supervisors of said township had, since the completion of the road constructed a brick driveway from the side of the concrete down into the shed of said Berkey's barn, said driveway being on a slope of about thirty five degrees.

That at other places along the premises of Mr. Berkey said new road had been shifted, as nearly as could be ascertained, about five feet to the Eastward, or toward the barn.

That just above the barn of the petitioner a drain or culvert had been installed which carries the water from the Easterly side of the new road to the Westerly side of said road and turns same into the orchard of Samuel Berkey.

That the ditch along the Westerly side of said road for several hundred feet has been filled up and the water in no wise taken care of, and that between the surface water turned into the orchard and that draining from the Westerly side of the road a great quantity of water together with much sand, dirt and refuse from the road finds its way into the spring house of the petitioner, much to his detriment.

The Supervisors of said township testified that they were of the impression that the construction of the driveway into Mr. Berkey's barn was to be in lieu of all damages sustained by him: This, however, the viewers are not satisfied was mutually agreed to; firstly, as by the testimony it does not appear that any mention was made at that time of any damages whatsoever and secondly, as no written agreement was obtained or sought to be obtained in lieu of damages either when the work was being done or at any other time; and thirdly as the petitioner testifies there was no mention made to him at any time of this action on the part of the Supervisors being in lieu of damages nor was there to his recollection any mention made of damages at the time.

Relative to the exact location of the old as well as the newly constructed road, we had some testimony from Mr. O. P. Thomas, engineer for the township on the work of constructing the road in question, which for the most part compares well with what we see on the ground tho

Mr. Thomas states he did not make the survey of the old road himself but that the same was made by one of the men from his office, who was not present at the hearing to our knowledge.

Accordingly, after carefully viewing the premises and carefully considering the testimony relative to the matter of our enquiry, we are of the opinion that Samuel Berkey received no benefits by reason of the construction of the new road as compared with the damages sustained, and that the damages sustained in excess of all benefits is the sum of Fifteen Hundred Thirty Eight Dollars, which sum should be paid to him by the Township of Croyle.

A sketch showing the road and the relative location of the house and barn of said Samuel Berkey is hereto attached and made a part of this report.

Prior to entering upon the duties of our appointment the viewers were duly sworn according to law to perform the duties of their appointment faithfully, impartially and to the best of their judgment and ability and true report to make concerning all matters and things brought to their attention concerning which they were authorized to enquire.

Witness our hands this

day of June, A. D., 1925.

Philip E. Canfield
Dixon Stout
A. M. Shoemaker

Viewers.

COUNTY CONTROLLER

CERTIFIED TRUE

APPROVED FOR THE TOWNSHIP

M. Hoffman

601113311:MS

Costs

A. M. Shoemaker \$18.75
2 1/2 days 1.80
36 miles 75
Print ————
\$21.30

No. 1 Mar. Sess. 1925.

In re Petition of Samuel Berkey of Croyle Twp, Cambria Co, Pa. for appointment of Viewers to assess damages -

Report of
Viewers.

Filed 18 June 1925

CERTIFIED
C. W. Hoffman
9/12/25
COUNTY CONTROLLER

ALFRED M. SHOEMAKER
ATTORNEY-AT-LAW
EBENSBURG, PA.

App. No. _____

OFFICE OF COUNTY CONTROLLER

\$ _____

Ebensburg, Pa., _____ 193 _____

Commissioners of Cambria County, Pa.

Will please furnish _____

with a WARRANT on the COUNTY TREASURER, amounting to

_____ Dollars

100

For _____

CONTROLLER OF CAMBRIA COUNTY.

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of
Cambria County, Pennsylvania.

We, the undersigned members of the Board of Viewers of Cambria county, appointed by your honorable Court to view and ascertain the damages, if any, sustained by Samuel Berkey, of Croyle Township, Cambria county, Pa., by reason of the construction and changing of the line and grade of a County-Township road through and over his premises in said township, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County, the Supervisors of the Township of Croyle and the owner of the premises, and to the general public by printed hand bills posted in conspicuous places along said road at and near the premises to be viewed:

We met upon the premises, in accord with the notices given, and having carefully viewed the same to ascertain as nearly as possible in just what manner and to what extent said Samuel Berkey had been injured or benefitted by reason of the change and construction of said new road and then adjourned to take testimony in Juhnstown at a time and place of which all parties interested had due notice and appeared with their attorneys and witnesses and were heard. At a time subsequent thereto and after having served ten days written notice on the parties interested we met again and exhibited a schedule of our finding relative to the matter of our enquiry.

In the course of our view and ~~testing~~ we found that a new and improved road had been constructed ~~through and over the~~ premises of the petitioner on a slightly different alignment than the formerly used portion of the township road, which together with the portion allowed for the berm on either sides occupies more ground than the old road.

That the shifting of the center line of the new road, just opposite the barn of the petitioner, some three feet closer to his barn together with raising or elevating said new road at the same place from three to four feet very much inconveniences your petitioner and makes ingress and egress to and from his barn ^{with horses or cattle} difficult and dangerous.

That the Supervisors of said township had, since the completion of the road constructed a brick driveway from the side of the concrete down into the shed of Samuel Berkeys barn, said driveway being on a slope of about thirty five degrees,

That at other places along the premises of Mr. Berkey said new ~~xxx~~ road had been shifted, as nearly as could be ascertained, about five feet to the Eastward, or toward his barn.

That just above the barn of the petitioner a drain or culvert had been installed and carries the water from the Easterly side of the new road to the Westerly side of said road and turns same into the orchard of Mr. Berkey.

That the ditch along the Westerly side of said road for several hundred feet has been filled up and the water in no wise taken care of, and that between the surface water turned into the orchard and that draining from the Westerly side of the road a great quantity, together with much sand, dirt and refuse from the road finds its way into the spring house of the petitioner, much to his detriment.

The Supervisors of said township testified that ~~that~~ they were of the impression that the construction of the driveway into Mr. Berkeys barn was to be in lieu of all damages sustained: This, however, the viewers are not convinced is correct; more than as to their impression; firstly, as according to their testimony there was no mention made at the time of any other item of damages; secondly, according to their testimony there was no written agreement obtained nor asked for nor was their any mention made at the time that this was to be in lieu of any or all damages; and thirdly, the petitioner testifies there was no mention made to him at all of this action on the part of the Supervisors being in lieu of damages nor to his recollection was there any mention made at the time of damages at all.

Relative to the exact location of the old as well as the newly constructed road, we have some testimony from Mr. O. P. Thomas, who was engineer for the township on the work of constructing the road, which for the most part compares well with what we see on the ground though Mr. Thomas testifies he did not make the survey of the original

road himself but that same was made by one of the men from his office, who was not present at the hearing.

Accordingly, after carefully viewing the premises and a careful consideration of the testimony relevant to the matter of our enquiry we are of the opinion that Samuel Berkey received no benefits by reason of the construction of the new road as compared with the damages sustained, and that the damages sustained, in excess of all benefits is the sum of Fifteen Hundred Thirty Eight Dollars, which sum should be paid to him by the County of Cambria. A sketch showing the road and relative location of the house and barn of said Samuel Berkey is hereto attached.

Witness our hands this 28th. day
of May, A. D., 1925.

Dixon Tomb
Philip E. Caulfield
A. M. Shoemaker

Viewers.

A search of the records of
Cambria County discloses
no liens against the property
of Samuel Berkeley the within
named petitioner.

May, 28th 1925.

W. M. Shoemaker

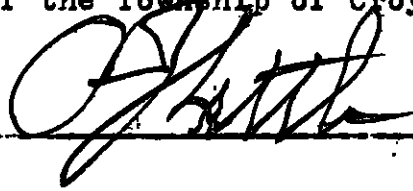
Notice of View!

Notice is hereby given that the viewers appointed by the Court of _____ Quarter
Sessions _____ of Cambria County, Pa., to view and determine the damages,
if any, sustained by Samuel Berkey, of Croyle Twp., Cambria Co., Pa.,
by reason of the relocating, opening and widening of a public road
through, along and over two properties, situate in said township,
county and state, belonging to said Berkey:

will meet _____ ON THE PREMISES _____ in the
Township _____ of _____ Croyle _____ aforesaid
on the 14th. day _____ May _____ 19.25., at 10:15 o'clock A.
M., for the purpose of performing the duties of their appointment.

_____ A. M. Shoemaker,
_____ Dixon Tomb and
_____ Philip E. Caulfield,
Ebensburg, Pa., April 22nd., 1925. Viewers.

Now, April 24th., 1925, service of the within notice is hereby accepted for the Supervisors of the Township of Croyle, Cambria Co., Pa.

A handwritten signature in cursive script, appearing to read "J. H. Smith", is written over a horizontal line.

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Samuel Berkey, of Croyle Twp., Cambria Co., Pa., by reason of the relocating, opening and widening of a public road through, along and over two properties in said township, county and state, belonging to said Berkey:

will meet **O N T H E P R E M I S E S** in the Township of Croyle aforesaid on the 14th day May 1925., at 10:15 o'clock A. M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
Dixon Tomb and
Philip E. Caulfield,
Viewers.

Ebensburg, Pa., April 22nd., 1925.

Now, April 30, 1925, servive of the within notice is here-
by accepted for the Commissioners of Cambria County, Pennsylvania.

A. S. Kirkland

Clerk.

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Samuel Berkey, of Croyle Twp., Cambria Co., Pa., by reason of the relocating, opening and widening of a public road through, along and over two properties situate in said township, county and state, belonging to said Berkey:

will meet ON THE PREMISES in the Township of Croyle aforesaid on the 14th. day May 1925, at 10:15 o'clock A. M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
Dixon Tomb and
Philip E. Caulfield,
Viewers.

Ebensburg, Pa., April 22nd., 1925.

Now, April 25 1925, service of the within notice is hereby
accepted for the within named Samuel Berkey, of Croyle Twp.; Cam-
bria Co., Pa.

Malcolm J. Benzinger

SCHEDULE .

In re View to determine damages, if any, sustained by Samuel Berkey of Croyle Twp., Cambria Co., Pa., by reason of the change or alteration in the alignment and grade, and the widening of a Township - County road through and over his premises, in said township.

The Viewers appointed by the Court of Quarter Sessions in the above stated matter having viewed the premises, heard and carefully considered the testimony offered by the parties in interest, have ascertained and determined the benefits and damages as follows:

Benefits	-	-	-	-	-	-	-	-	None.
Damages	-	-	-	-	-	-	-	-	\$1538.00.

A. M. Shoemaker,
Dixon Tomb and
Philip E. Caulfield,
Viewers.

Costs of View

A. M. Shoemaker

Lifting Order	\$.90
16 1/2 Days		123.75
Engineering work		50.00
280 miles (1.6		14.40
Johnstown Tribune		10.50
Cambria Co Signal Journal		8.00
		<u>207.55</u>

Dixon Tomb

8 Days
76 miles

Jacob M. Hoffman
COUNTY CONTROLLER

\$	60	00
	3	80
\$	<u>63</u>	<u>80</u>

P. E. Caulfield

8 Days
76 miles

Jacob M. Hoffman
COUNTY CONTROLLER

\$	60	00
	3	80
\$	<u>63</u>	<u>80</u>

APPROVED FOR PAYMENT

Jacob M. Hoffman
COUNTY CONTROLLER

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

No. 1 March Sessions, 1925.

In re Petition for the Appointment of Viewers to assess damages occasioned by the changing and improvement of the Township-County Road in Croyle Township, Cambria County, Pennsylvania, as affecting the property of Samuel Berkey.

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

The petition of Samuel Berkey of Croyle Township, Cambria County, Pennsylvania, respectfully represents:-

First. That he is the owner of two certain pieces or parcels of ground situate in Croyle Township, Cambria County, Pennsylvania, bounded and described as follows:-

BEGINNING at a post, Township road thence by said road South Fourteen (14° degrees West Ninety-three and six tenths (93.6) perches to corner of land of Susan Dimond; thence by said land West Twenty-five (25) perches to a post; thence by line of W. F. Hice North Fourteen (14°) degrees East Ninety-three and six tenths (93.6) perches to a post; thence by land of Peter McClarren East Twenty-five (25) perches to a post and the place of beginning. Containing Fourteen (14) acres and one hundred fifty (150) perches.

Also all the second piece adjoining the first beginning at a post on the Township road thence by said road South Fourteen (14°) degrees West one hundred (100) perches to post; thence by line of Wendle Myers Estate Ninety-nine (99) perches to a beech; thence North twenty-nine (29) perches to a post; thence by land of John Smay North thirty-four (34°) degrees west eighty-three (83) perches to a post corner of Peter McClarren; thence West twenty-eight (28) perches to place of beginning, Containing Forty (40) acres and thirty-four (34) perches, more or less.

Second: That the Supervisors of the Township of Croyle, County of Cambria and State aforesaid, a quasi-municipality, in constructing a Township-County public highway beginning at Lamb's Bridge to a point beyond the premises of your petitioner entered upon and appropriated for the public use a part of said property of the petitioner viz: A certain piece or parcel of said land

following more or less the course of the unimproved public road; and that in this laying out, opening, widening and changing of location, your petitioner has sustained great injury and damage among other things as follows:

(a). That said road appropriates a large part of said land.

(b). That the said road renders the rest of said land less valuable.

(c). That a portion of said land is rendered, by reason of said road, less accessible.

(d). That the changing from the former public highway to the present location greatly damages your petitioner's said land.

(e). That in various other ways the said land is rendered less valuable by reason of the changing of location, laying out, opening and widening and in otherwise changing and constructing said road.

Third: That the supervisors of the Township of Croyle, a quasi municipal corporation, agreed to pay all damages occasioned to all property owners by reason of the laying out of said road,

Fourth: That the said road was constructed during the year 1924 and is now about completed.

Fifth: That the Supervisors of the Township of Croyle, a quasi municipality, and your petitioner are unable to agree upon the amount of damages sustained by reason of construction of said road. That no viewers ever passed upon the question of damages done your petitioner in the construction of said highway.

Your petitioner therefore, prays the Court to appoint three Viewers to view and assess the damages occasioned him by reason of the laying out and construction of a highway over the land above described.

And he will ever pray.

Samuel Berkey,
Petitioner.

D E C R E E .

And now the 2nd day of March, A. D. 1925, the within
petition having been read and considered Philip Cauffield, Dixon
Tomb and A. M. Shoemaker, Esq., are appointed Viewers for the
purpose within set forth; returnable the second day of March,
A. D. 1925.

By the Court,

E.

Extract from the Record.

Certified this 3rd day
of March, A. D. 1925.

Franklin B. Ralls

Clerk.

No. 1, Mar. Sess. 1925.

In re Petition for Viewers to assess Damages, if any, to Samuel Berkey, Croyle Tp., Cambria Co., Pa.

Order to View and Report of Viewers

Filed 1 June 1925
12:00 A.

Testimony.

CERTIFIED

Jacob M. Hoffmann
COUNTY CONTROLLER

OF RECORD, J. J. TOLSON
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.

CLERK

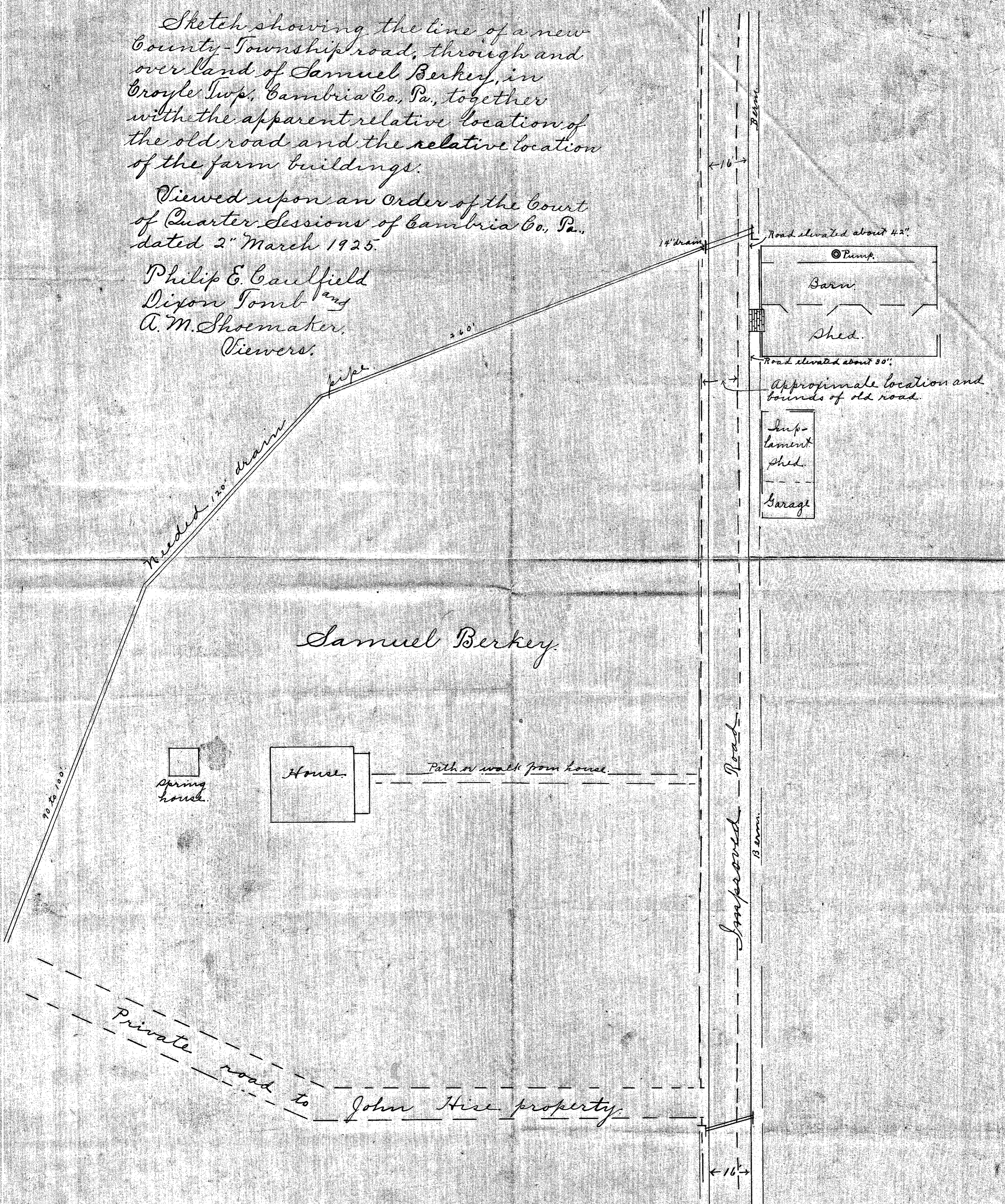
CLERK

15 June 1925
Approved
J. J. Tolson

Sketch showing the line of a new County-Township road, through and over land of Samuel Berkey, in Croyle Twp., Cambria Co., Pa., together with the apparent relative location of the old road and the relative location of the farm buildings.

Viewed upon an Order of the Court of Quarter Sessions of Cambria Co., Pa., dated 2nd March 1925.

Philip E. Caulfield
 Dixon Tomb^{and}
 A. M. Shoemaker,
 Viewers.



Samuel Berkey

Spring house

House

Path or walk from house

Private road to John Hise property

Improved Road

Barn
 Pump
 Shed

Imp-lament shed
 Garage

Road elevated about 4.2'

Road elevated about 30'

Appropimate location and bounds of old road

14' drain

needed 120' drain

260'

20 to 100'

16'

16'

Beam

Beam